

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 01/17/11	NUMBER 03.04.108
SUBJECT PRISONER HEALTH INFORMATION		SUPERSEDES 03.04.108 (06/28/99)	
		AUTHORITY MCL 330.1748 (5)(b); 333.1101 <u>et seq.</u> , 333.5131, 600.2157, 750.411, 791.203; 2010 PA 286; 2010 PA 287	
		ACA STANDARDS 4-4366, 4-4413, 4-4396, 4-4414, 4-4415	
		PAGE 1 OF 4	

POLICY STATEMENT:

The Department shall document all health care services provided to prisoners, centralize all health information in the prisoner health record, and control access to health information to ensure required confidentiality.

POLICY:

GENERAL INFORMATION

- A. There shall be a Health Information Advisory Committee appointed by the Administrator of the Bureau of Health Care Services (BHCS). The Health Information Program Director, BHCS, shall be the committee chairperson. The committee shall meet regularly to address all issues related to prisoner health information and health related forms. Committee recommendations shall be submitted to the BHCS Administrator for approval.
- B. Health information shall be maintained in a consistent and standardized format as described in the Health Records Management Standards manual developed by the Health Information Advisory Committee and approved by the BHCS Administrator. The BHCS Administrator shall ensure that appropriate staff have an opportunity to review and comment on all health related forms developed for use within the prisoner health record.
- C. All health care providers, including contractual employees, shall document the care and treatment provided to a prisoner at the time the services are provided on Department-approved forms, as appropriate.

CREATION AND CONTENT OF THE PRISONER HEALTH RECORD

- D. Each prisoner shall have one health record which shall be created by BHCS staff when the prisoner is initially received at a reception facility.
- E. The prisoner health record shall contain all written and electronically generated information regarding health care and treatment provided to the prisoner by any health care provider. This includes dental, optometric, psychiatric, and any other medical care and treatment whether provided by BHCS, under contract, or in the community. It also includes all diagnostic reports requested by BHCS (e.g., laboratory reports, x-ray reports) and any infection information as set forth in PD 03.04.120 "Control of Communicable Bloodborne Diseases". Only qualified or trained health care providers shall collect and record this information.
- F. The prisoner health record shall not contain correspondence from the Department of the Attorney General except for requests for copies of prisoner health record documentation. Except for the pre-sentence investigation report, the prisoner health record shall not contain any administrative reports. Administrative reports include, but are not limited to, critical incident reports, prisoner requests for health care services, misconduct reports, accident and injury reports, substance abuse screening for purposes other than treatment, data entry forms, and time review and disposition forms.
- G. Original Department inpatient records shall be retained at the treating facility for at least one year after

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 01/17/11	NUMBER 03.04.108	PAGE 2 OF 4
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treatment is completed then forwarded as necessary for placement in the prisoner health record. Photocopies of discharge summaries, current physician's orders, and current lab results shall be retained in the prisoner's health record until original records are received.

TRANSFER OF PRISONER HEALTH RECORDS AND INFORMATION

- H. The prisoner health record shall accompany the prisoner upon transfer except as follows:
 - 1. Upon transfer or admission to a non-Department hospital, the prisoner health record shall be retained by the sending facility.
 - 2. Inactive prisoner health records, as defined in Paragraph K, shall be forwarded as set forth in Paragraph L.
- I. When transported with a prisoner, the prisoner health record shall be maintained securely and in a confidential manner during the transfer process.
- J. Copies of pertinent portions of the prisoner health record may be provided to non-Department health care facilities or providers treating the prisoner. The complete, original prisoner health record shall be retained by the Department as indicated above.

INACTIVE PRISONER HEALTH RECORDS

- K. For purposes of this policy, a prisoner's health record shall be considered inactive when any of the following occur:
 - 1. The prisoner transfers to a jail, the Bureau of Prisons, or other non-Department correctional facility while still under commitment to the Department;
 - 2. The prisoner is released on bond;
 - 3. The prisoner is on escape status for 60 business days or more;
 - 4. The prisoner paroles;
 - 5. The prisoner discharges;
 - 6. The prisoner dies.
- L. Inactive prisoner health records shall be retained at the prisoner's last facility for thirty days to complete filing of loose documents and release of information. Inactive files then shall be sent to the records storage center, except that radiographic films shall be sent to the Duane L. Waters Hospital (DWH) Radiology Department for storage. The DWH health information manager or designee shall be responsible for approving release of information and documents from all inactive health records in the records storage center. These records shall be obtained through the Records Administrator, Central Records Section, Operations Division, Correctional Facilities Administration (CFA), or designee. The DWH Director of Radiology shall be responsible for the maintenance and release of the radiographic films from inactive files.
- M. Prisoner health records which are inactive due to discharge or death of the prisoner shall be retained in accordance with the Department's Retention and Disposal Schedule.
- N. An inactive health record shall be reactivated if the prisoner or parolee is returned to a CFA facility. The prisoner health record shall be retrieved from the records storage center and maintained as set forth in this policy.

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 01/17/11	NUMBER 03.04.108	PAGE 3 OF 4
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CONFIDENTIALITY OF HEALTH INFORMATION

- O. The prisoner health record shall be maintained as a confidential document and stored securely. All employees, including contractual employees, shall be responsible for maintaining the confidentiality of all health information regarding a prisoner. Maintaining confidentiality applies to both the release of documents from a prisoner's health record and providing information regarding a prisoner's diagnosis, health care, and treatment, whether in writing, electronically, or verbally.
- P. Health information managers shall control access to and release of information contained in prisoner health records, except as set forth in Paragraph L. Access shall be in accordance with federal and state laws and Department policy.
- Q. Health information shall be released only upon the prisoner's written authorization or a court order, except as follows:
 - 1. A court-appointed executor of a deceased prisoner's estate may authorize release of health information regarding the deceased prisoner.
 - 2. A court-appointed guardian of a prisoner or the parent of a minor prisoner who is not emancipated may authorize release of health information for the prisoner. This does not include a person who has a power of attorney for the prisoner's legal affairs.
 - 3. Health information may be released to those who must provide emergency medical care.
 - 4. Health information required for clearance for transfers or assignments, and as required for proper care or management of the prisoner while incarcerated or on parole, shall be released to appropriate staff.
 - 5. Health information shall be released to the Warden upon his/her written request if the Warden considers it necessary for the safety and security of the facility. The written request shall be retained in the prisoner health record. If there is a disagreement concerning the release of health information, the Warden shall make the final decision. The decision shall be in writing and retained in the prisoner health record.
 - 6. Health information shall be released for parole eligibility report preparation as set forth in PD 06.05.103 "Parole Eligibility/Lifer Review Reports".
 - 7. All information on prisoner injuries inflicted by a knife, firearm, or other deadly weapon, or by other means of violence shall be immediately reported to the Warden, who shall report the information consistent with PD 01.05.120 "Critical Incident Reporting". It also shall be reported to local law enforcement officials, as appropriate.
 - 8. Health information related to legally reportable conditions, including communicable diseases, or legally reportable circumstances shall be released to the appropriate agency or authority.
 - 9. A prisoner's HIV, Hepatitis B, and Hepatitis C status shall be released to an employee exposed to the blood or body fluids of the prisoner subject to the provisions set forth in PD 03.04.120.
 - 10. Health information may be released for research and education provided prisoners are not identified by name or prisoner number in reports or papers or verbal communications.
 - 11. Health information may be released for use by the BHCS during clinical audits and for peer review activities.
 - 12. Health information shall be released to the Department of the Attorney General or to designated staff in the Office of Legal Affairs as necessary for litigation purposes, and to other staff as

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 01/17/11	NUMBER 03.04.108	PAGE 4 OF 4
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necessary to monitor compliance with court orders.

13. Health information shall be released to the State Auditor General and other state or federal agencies for review as provided for in state or federal law.
 14. Upon request and without the requirement of any release, the Ombudsman shall be given access to all information, records, and documents in the possession of the Department which the Ombudsman deems necessary in an investigation, including, but not limited to, prisoner medical health records, prisoner mental health records, and prisoner mortality and morbidity records. Pursuant to Public Act 287 of 2010, a signed release is not required in order to provide this information.
 15. Health information shall be released to other Department staff as authorized by the BHCS Administrator or designee.
- R. If health care was provided by off-site providers due to a referral by the Department, the health information in the prisoner's health record shall be subject to release as set forth in Paragraph Q. If the health care was not provided due to a referral by the Department, the health information shall not be subject to release without written authorization from the prisoner.

PRISONER ACCESS TO HEALTH RECORDS

- S. A prisoner may receive copies of documents contained within his/her health record by making a specific, written request to the appropriate health information manager or designee and paying the required per-page fee, as set forth in OP 03.04.108-B "Prisoner Access to Medical Records".

PROCEDURES

- T. The BHCS Administrator shall ensure that procedures are developed to implement requirements set forth in this policy directive; the procedures shall be sent to the PREA Administrator for review and approval within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director.

AUDIT ELEMENTS

- U. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

APPROVED: RMM 01/13/11